

TOWN OF TRURO
BOARD OF SELECTMEN
MEETING OF TUESDAY, MAY 22, 2007

The Truro Board of Selectmen met for their weekly session on Tuesday, May 22, 2007 at 6:00 p.m. at the Truro Town Hall, 24 Town Hall Road, Truro. In attendance were: Chairman Alfred Gaechter, Vice-Chairman Gary Palmer, Clerk Christopher R. Lucy, Curtis Hartman, Jan Worthington, Town Administrator Pamela Nolan, Administrative Secretary Julie DuPree, Carol Nickerson, Martha Nagy, Chris Murphy, Chief Thomas, Richard Lavin, Brenda Boleyn, Paul Morris, Linda Maloney, Joyce Johnson, Freddie deSousa, Charles Morton, Dick Seed, Tony Jackett, Tim Silva, Pat Pajaron, Girard Smith, Judy Howard, Maureen Hurst, Kathie Meads, Harry Palmer, Fred Schilpp, Kevin Kuechler, Ellen Schiereck, John Monahan, Kevin Mullaney of the Banner and Steve Desroche of the Cape Codder. Assistant Town Administrator Charleen Greenhalgh was absent.

Mr. Gaechter convened the meeting at 6:01 p.m.

Minutes: Mr. Palmer moved to approve the minutes of the May 9, 2007 as written. Mr. Hartman seconded it. Vote: 4-0, unanimous. Mr. Palmer moved to approve the minutes of May 15, 2007 as written. Mr. Gaechter seconded it. Vote: 4-0, unanimous.

Public Comment: Richard Lavin, manager of Goodheart Properties III, LLC and owner of 29 Outermost Road told the Board it had come to his attention that they have made written request for an opinion on the appeal to the ZBA regarding property and gotten responses in writing. He asked that if they have concerns regarding his property that he be provide with advance notice of that and the opportunity to be heard and answer their concerns. Mr. Gaechter informed him that information was in the public domain and available to him. Mr. Hartman told him that upon receipt of letters from Mr. Weinstein and the CCNS Superintendent, two of the BOS felt the need for an opinion from Town Counsel, but by the time the opinion was gotten, the answer was that nothing was before any board.

Ms. Boleyn reminded everyone of the special meeting of the Open Space Committee tomorrow night at 7:00 p.m. with their consultant. They are beginning deliberation on the revision of the Open Space and Recreation Plan.

Status of the beaches: Mr. Morris reported that after the storm there was a cut at Coast Guard beach; they have put sand there and graded it. Long Nook and Head of the Meadow are in good shape. They have cleared the sand from the parking lots at Head of the Meadow and Long Nook and will put that sand at Coast Guard, too. At Great Hollow, they are in the process of changing the staircase, going through the process with ConsCom.

Contracts: Mr. Morris explained that batch plant inspection is a requirement of Chapter 90. Mr. Palmer moved to approve the agreement with Tibbetts Engineering Corp. and to authorize the Chair to sign it. Mr. Gaechter seconded it. Vote: 4-0, unanimous.

Mr. Morris told the BOS that he has received a price quote from Tri County Contractors Supply, Inc. for the new brush cutter. They are under the State bid. He is getting a good trade for the old equipment. Mr. Palmer moved to approve the price quote and authorize the Chair to sign

it and a letter of intent. Ms. Worthington seconded it. Vote: 5-0, unanimous. (Mr. Lucy had arrived for this vote.) Mr. Morris noted that he has received the preliminary plans for the Square. He is beginning road paving and would like to do the square at the same time. Mr. Gaechter requested that the Town Administrator put this on next week's agenda.

Public Hearing: taxicab regulations: Mr. Gaechter opened the public hearing, and asked for comment. Mr. Murphy asked if the Board could establish an hourly rate for instances when someone may want to take a tour of the town, or might have multiple stops within an hour. Mr. Hartman suggested \$60.00. Mr. Gaechter suggested adding that as #8--a flat rate not to exceed \$60.00 per hour. Ms. Worthington questioned if there should be a provision for dogs. It was decided to leave that to the discretion of the cab owner. **Mr. Hartman moved to approve the regulations as amended. Mr. Palmer seconded it. Vote: 5-0, unanimous.** Seeing that there were no further comments, Mr. Gaechter closed the hearing.

Public Hearing: taxicab business application: Mr. Murphy explained that he would like to offer taxi service in Truro. He has driven cabs before, and has a vehicle that qualifies under the regulations. Mr. Gaechter noted that the Building Commissioner had questioned if this was allowed under zoning. Mr. Murphy told the Board that he had attended the ZBA meeting last night and they had said that they could see nothing that would get in the way of his operating this business. Mr. Hartman asked what his hours would be. He replied that he is the sole employee and will have a cell phone with him; he will have to feel it out as he goes. Both Mr. Gaechter and Mr. Hartman said that Mr. Murphy would have to formally go to the ZBA. Ms. DuPree told the Board that she had spoken to the Secretary of the ZBA regarding this and was told that the ZBA has said informally, as there was no formal application, that this was not a zoning matter. Mr. Murphy can park a car in a driveway, as can any other person. They did not believe it would come under zoning as a home occupation. **Mr. Gaechter moved to approve the license pending action by the ZBA. Mr. Palmer seconded it. Vote: 5-0, unanimous.** Ms. DuPree asked for guidance on the issuance of the license; she was not to issue it until the ZBA has acted. This was correct. She noted that it would be another month. Mr. Gaechter told Mr. Murphy that he could ask the ZBA to hold a special meeting for him; the ZBA does not have to hold to its meeting schedule, and can hold a special meeting if there is a need.

Appointment: Mr. Gaechter moved to appoint Chuck Steinman to the Historical Review Board as a Historical Commission representative. Mr. Palmer seconded it. Vote: 5-0, unanimous.

Interview: Dune shack subcommittee: Ms. Johnson explained her interest and past experience with dune shacks and the Peaked Hill Trust. Mr. Gaechter explained that Ms. Brock has asked her name be withdrawn as she feels Ms. Johnson is the better candidate; she is willing to serve as an alternate. **Mr. Gaechter moved to appoint Joyce Johnson as representative and Anne Brock as alternate to the CCNS Advisory Commission Dune Shack Subcommittee. Ms. Worthington seconded it. Vote: 5-0, unanimous.**

Resignation: Mr. Palmer moved to accept with regret the resignation of Alexandra

MacDonald from the Tercentennial Celebration Committee and that a letter of thanks be sent to her. Mr. Hartman seconded it. Vote: 5-0, unanimous.

Property ownership/Resident Beach parking permits: Mr. Seed explained that the Beach Commission wanted to let the BOS know that they supported the decision of the Assessor's office to use names on the deed to prove ownership as outlined in the letter they sent out. He gave an overview of the policy for eligibility for a resident sticker; it is based on property ownership or year-round residency. The Assessor's Office has changed the method they will use to provide the Beach Office with ownership information. Ms. Maloney explained how this came about. Mr. Seed said that the Beach Supervisor will handle any queries on this, and if there are further questions, they will be addressed by the Assessors. Further complaint/questions should be addressed by the Town Administrator, and through her, the Board of Selectmen.

Mr. Gaechter said that he feels a non-resident property owner should be entitled to a resident sticker, and they may be in a trust. Discussion continued on how to handle these instances. Mr. Seed explained the policy that relatives staying with a property owner can get a non-resident sticker. There has never been a problem with issuing non-resident stickers to those people. Ms. Maloney sent out 89 letters to property owner entities, those who were part of the previous policy. Ms. Worthington questioned how often this comes up. Mr. Seed said there are always a handful of issues every year. Ms. Maloney said her office has had two responses and the Beach Supervisor has had two. Mr. Gaechter acknowledged that there was no easy answer and they will wait and see what comes of it. Ms. Nolan asked what other towns do. Ms. Maloney said that she asked several of our neighboring towns and they have done what she is now going to do, provide property ownership information from their assessment database.

Pamet Harbor Staff Coverage: Ms. Worthington recused herself because her father works for the harbor. Mr. Gaechter told her she could still comment as a citizen. Ms. Nolan gave an overview of the situation. Mr. Jackett is Acting Harbor Master at 20 hours per week, and the concern is if this will be enough during July and August when the harbor is really busy. Mr. Worthington and Mr. Davis are Assistant Harbor Masters, and put in a variety of hours. Mr. Worthington has broken his ankle, so they will be without his services. An advertisement was previously placed and there are applicants. Mr. Jackett has assured her that he can do the job at 20 hours per week, and Mr. Davis is willing to take extra hours. Mr. Jackett told the Board what he has done thus far, and how he filled in as Acting Harbor Master two summers ago. He noted that as much as Mr. Worthington wants to work, he is incapable of working the parking lot and it makes sense to him to hire someone now and train them before it gets really busy. Mr. Gaechter said that the major point is not how many hours each person would work, but how the heavy work will get done with only 20 hours.

Mr. Silva spoke of his support for Mr. Jackett. He noted that all six of the PHC members support Mr. Jackett as Harbor Master. He also said that 20 hours plus on call worked before when he filled in, and will now, with Mr. Davis working more hours and if they hire a new Assistant Harbor Master. Mr. Palmer asked Mr. Jackett when he saw Mr. Worthington returning. Mr.

Jacket felt it would not be this season. He said his responsibility is to the town; Mr. Worthington could get hurt. Ms. Nolan noted that this is a seasonal job and the hours vary. It is a fluid and flexible position. Ms. Worthington, speaking as a citizen, said that the town spent time and money making the Harbor Master a full-time position, and both Mr. Davis and Mr. Worthington are in their eighties. They can't do the work of a younger people. The town also bought a boat. The Town Administrator terminated the Harbor Master; the busy season is approaching when we need a full-time Harbor Master, especially at all high tides. The town should get what it needs; 20 hours and on call is not enough. She said that it was not appropriate for the PHC to be here with letters supporting Mr. Jackett as full-time Harbor Master; the job needs to be advertised. Mr. Jackett defended his position that he could fulfill the duties in the time he will be available, noting that a lot of the job is done now, which was not done. Three men in the busy part of the season have met the needs of coverage in the past. Discussion continued. Mr. Gaechter said they need to move very quickly in getting a new Harbor Master and they must see that coverage needed is there. Discussion centered on how the heavy lifting could be accomplished and the schedule for hiring a new Harbor Master. Mr. Gaechter told Mr. Jackett to keep the Town Administrator informed.

Water monitoring proposal: Ms. Schiereck gave the Board an overview of the proposal of WROC to monitor the quality of Truro's water. The WROC was authorized to spend \$12k. They are seeking the Board's approval of their plan. She explained that Eastham has offered to give them their system to use. It must be modified, and they plan to hire a consultant to do so. They will test for nitrates, testing 1/3 of the town each year. The reason for starting with that testing is that is much cheaper than VOC, little to no training is needed, and it will give an overall picture of the town's water quality. We will then have access to the County's database. Then our database can be analyzed to see the overall picture and then we can have an intelligent plan as to what testing to do in the future. The preliminary estimate is that the system conversion will take two months. Ms. Nolan said that Mr. Delius is willing to supervise the consultant; Ms. Pajaron will be trained to use the database. Ms. Schiereck said they will use volunteers wherever possible and staff use will be minimal. **Mr. Palmer moved to support the WROC in its water monitoring program. Mr. Hartman seconded it. Vote: 5-0, unanimous.**

Appointment: Chief Thomas requested that the Board appoint Monica Hymes as a Special Police Officer. **Mr. Gaechter moved to appoint Monica Hymes as a Special Police Officer to the Truro Police Department. Mr. Hartman seconded it. Vote: 5-0, unanimous.**

Request to use town property: Mr. Gaechter moved to authorize the use of Corn Hill Beach by Corey Thatcher on July 7, 2007 for the hours requested. Mr. Palmer seconded it. Vote: 5-0, unanimous.

Community Center bid results: Ms. Nolan announced that bids were received from six general contractors. The low bidder appears to be A.P. Whitaker and Sons, West Bridgewater, with a bid of \$2,669,000.00. She consulted with the Town Accountant, and it looks like we can build this building. Mr. Gaechter noted that we would have \$50k left. Ms. Nolan said that was not a lot to

have for leeway. Mr. Gaechter asked if Ms. Nagy if the Building Committee is still planning to add back addendum #2. She said that they were.

VNA Contract: This is the usual contract with VNA through the Board of Health. **Mr. Palmer moved to approve the contract with the Visiting Nurse Association of Cape Cod, Inc. and authorize the Chair to sign it. Mr. Hartman seconded it. Vote: 5-0, unanimous.**

NTPO report: Mr. Gaechter reported that the advertisement for a site for the NTPO will be in the CC Times on Saturday, and an ad should be placed by the USPS in the Codder and Banner by next week. They are close to a final design for a 3k square foot building. The funding is in no danger of going away.

Town Administrator's Report: (action items)

- Discussed the report by Charleen Greenhalgh in her role as ADA Coordinator. She reported on her meeting with the DPW Director. The beach parking lots have been appropriate line for HP parking spaces. The signage will be in place prior to the beach season. The driveway at the Concert Park (Town Green) can be used by a limited number of vehicles for HP access. Ms. Nolan asked Ms. Howard if she was satisfied with the driveway as access. She said that she was not; there should be a ramp. She advised the Board to peruse the ADA Guide for Small Towns, available on the internet. She spoke of the aging of the population in Truro and the requirement that the Town is to provide access to services in the community. Ms. Nolan said that Mr. Morris and Ms. Greenhalgh will be working with the Commission on Disabilities. Mr. Hartman asked about the requirements of the law, and Ms Nolan told him that Ms. Greenhalgh would research this. Mr. Hartman requested that it be put on the agenda in 6-8 weeks. Mr. Gaechter said it should be sooner; the concert season is upon us. He assured Ms. Howard that the town was committed to compliance and it is just how to do so. She was told that HP signs would be put in the two gravel lots on Beach Point, and one of the spaces at Pamet Park will be marked now. Mr. Gaechter told her they were going to see the design for the square next week. He asked that the Commission on Disabilities look at the plan for the square so they can advise as to HP access.

- Received a letter from Rep. Delahunt regarding the Coast Guard Community program. The consensus of the Board was to pursue this. Mr. Hartman suggested that the Tercentennial Celebration Committee could assist with this.

Selectmen/Liaison Reports: (action items)

Palmer: -Suggested that they set the bell ringing schedule now. He saw on need for further testing and felt they should set the decibels and tune the bells. **Mr. Palmer moved to proceed to meet the DEP standards of 50 decibels, bring in an appropriate firm to do so and tune the bells and to set the hours at 8:00 a.m. - 10:00 p.m., seven days a week. Mr. Hartman seconded it. Vote: 5-0, unanimous.**

Next week's agenda: meet with the informal regulatory group, curb cut application, senior tax program, illegal dumping on town roads, MMA "Verizon" initiative (to which Mr. Klass will be invited), Quarterly report of the Chief of Police.

At 8:27 p.m. Mr. Gaechter moved to convene in Executive Session under the provisions of MGL Chapter 39, Section 23B to consider personnel matters and to not reconvene in Open Session. Roll Call Vote: Hartman, aye; Palmer, aye; Gaechter, aye; Lucy, aye; Worthington, aye. 5-0, unanimous.

Alfred Gaechter, Chairman

Gary Palmer, Vice-Chairman

Christopher R. Lucy, Clerk

Curtis Hartman

Janet W. Worthington

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